



Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/049,865
Filing Date	March 27, 1998
First Named Inventor	Collin J. Weber
Art Unit	1642
Examiner Name	M. Davis
Attorney Docket Number	081 1/47765-C

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 03-3125
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other credit overpayments or charge any underpayments
- b. ☒ Check in the amount of \$ 440.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Alan J. Morrison	Registration No. (Attorney/Agent)	37,399
Signature		Date	7/12/07

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Alan J. Morrison	Date	7/12/07
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Dkt. 0811/47765-C/JPW/AJM/MML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Collin J. Weber et al.

Serial No. : 09/049,865

Examiner: M. Davis

Filed : March 27, 1998

Group Art Unit: 1642

For : METHOD OF INHIBITING IMMUNE SYSTEM DESTRUCTION OF  
TRANSPLANTED VIABLE CELLS

1185 Avenue of the Americas  
New York, NY 10036  
April 12, 2004

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

PRELIMINARY COMMUNICATION

This Preliminary Communication is submitted in order to address the Examiner's rejections made in the March 17, 2003 Advisory Action issued in connection with the above-identified patent application. Applicants submitted a Notice of Appeal on January 9, 2004, which was received by the U.S. Patent and Trademark Office on January 14, 2004, making an Appeal Brief due March 14, 2004. Applicants hereby request a one-month extension of time, making an Appeal Brief due April 14, 2004. In lieu of filing an Appeal Brief, applicants are filing a Request for Continued Examination ("RCE") herewith. A check in the amount of \$440.00 is enclosed, which amount includes the RCE filing fee and the fee for a one-month extension of time. Accordingly, this Communication and the accompanying RCE are being timely filed.

04/16/2004 CMGUYEN 00000035 09049865

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55.00 OP